

Plaintiff, U.S. Securities and Exchange Commission (the “SEC”) respectfully submits this memorandum in opposition to Defendant Joseph T. Letke’s (“Letke”) motion (“Motion”) to extend the deadline to answer or otherwise plead. In his Motion, Letke seeks permission to extend the date by which he must answer or otherwise plead to December 3, which is the day after the currently-scheduled December 2 preliminary injunction hearing. The requested extension is unwarranted and would delay the progress of this case.

Letke has failed to comply with the deadlines established by the Court. Letke's answer or other pleading originally was due on August 4. *See* Docket Entry 29. This Court subsequently extended the date for Letke's responsive pleading three times. *See* Docket Entries 34, 41, 50. After the SEC moved for entry of default against Letke, *see* Docket Entry 48, Letke filed a motion to dismiss, which the Court denied. *See* Docket Entries 56, 50. Letke subsequently filed a motion for an extension of time until an attorney could be appointed by the

Court, which the Court also denied. *See* Docket Entries 58, 59. At a September 16 status hearing, the Court explicitly directed Letke to file an answer to the Complaint by the then-scheduled deadline, September 19. That date came and went without an answer by Letke. On October 1 – 13 days after the September 19 deadline for Letke’s answer – he filed his Motion seeking yet another extension until December 3.

The Court should deny Letke’s untimely Motion. Although Letke, as a *pro se* litigant, obtains various procedural protections, he is “not entitled to a general dispensation from the rules of procedure or court imposed deadlines.” *Jones v. Phipps*, 39 F.3d 158, 163 (7th Cir. 1994) (citations omitted). The Court already has accommodated Letke by granting him three previous extensions for his answer to the Complaint. There is no reason why Letke now is unable to answer the Complaint by admitting, denying, or stating that he lacks knowledge or information about each allegation in the Complaint. Alternatively, he can respond to the allegations in the Complaint by asserting his Fifth Amendment right against self-incrimination, which he has already done in response to the SEC’s deposition notice. *See* Ex. A to Docket Entry 51.

Neither of the two reasons Letke cites in his Motion – settlement discussions and his failure to obtain documents from the City of Harvey -- justifies prolonging the answer date. First, although the SEC and Letke have had some settlement discussions, those discussions have not progressed significantly, and therefore the SEC needs an answer to the Complaint from Letke. Second, regardless of whether Letke has been unable to obtain certain documents from the City of Harvey, Letke is equipped with personal knowledge and judgment to allow him to respond to each allegation of the Complaint with an admission, a denial, a statement that he lacks knowledge or information sufficient to admit or deny, or an assertion of the Fifth Amendment.

Letke has no justification for refusing to answer the Complaint now, and the Court should deny his Motion.

Dated: October 7, 2014

Respectfully submitted,

/s/**Eric M. Phillips**

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CERTIFICATE OF SERVICE

I, Eric M. Phillips, an attorney, being duly sworn, state on oath that on October 7, 2014, I caused Plaintiff's Memorandum in Opposition to Defendant Joseph T. Letke's Motion to Extend Deadline to Answer or Otherwise Plead to be served upon the following by UPS, overnight delivery, and via email:

Joseph T. Letke (josephletke@yahoo.com)
20515 Abbey Drive
Frankfort, IL 60423

and upon the following counsel by the Court's CM/ECF system:

Tiffany Ferguson, Esq.
Rachel Steiner, Esq.
Attorneys for Defendant City of Harvey, Illinois

/s/ Eric M. Phillips
Eric M. Phillips